IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 13828 of 2001

Between:

Mohd.Shareef, S/o Haji Shareef, aged 38 years, Occ: Business, R/o 9-18-76, Mallepally, Nizamabad.

..... PETITIONER

AND

1. The Commissioner of Police, Hyderabad.
2. The Assistant Commissioner of Police, Chikkadapally, Hyderabad.
3. The Station House Officer, Narayanaguda Police Station, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No.3 herein in seizing and detaining the petitioner's vehicle bearing Reg.No.AP-25-T-5004 without any rhyme or reason since 27.06.2001 as illegal, arbitrary, unconstitutional and against to the principles of natural justice and consequently pass order directing the Respondent No.3 herein to forthwith release the vehicle bearing Reg.No.AP-25-T-5004.

Counsel for the Petitioner: MR.M.LAYEEQ KHAN

Counsel for the Respondents: GP FOR HOME

The Court made the following:

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ORDER:

The petitioner's light goods vehicle bearing No.AP-25/T-5004 was seized on 27.6.2001 by the third respondent. Aggrieved by the same, he filed the present writ petition seeking direction to the respondents to release the vehicle. Even at the stage of admission, a counter affidavit was filed. In view of the same, this Court passed interim orders on 13.7.2001 in W.P.M.P.No.17268 of 2001, which reads as under:

> It is stated in the counter affidavit of the third respondent that the petitioner's vehicle bearing No.AP-25/T-5004 has been found parked in a prohibited zone; and that consequently it was brought to the third respondent-Police Station for safe custody on 01.7.2001; and on the same day, a petty case No.782/2001 under Section 186 IPC and Sections 122/177 of M.V.Act was booked; and that as and when the petitioner pays the compounding fee, the vehicle will be released in favour of the petitioner.
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> It view of the statement in the counter affidavit, the petitioner is at liberty to take appropriate steps to get his vehicle released. Notice.

Therefore, the petitioner is given liberty to approach the third respondent and pay appropriate compound fee and get his vehicle released, if not already done.

The writ petition, with the above observations and directions, is disposed of.

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(**V.V.S.RAO,J**)

June 16, 2005.

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To

1. The Commissioner of Police, Hyderabad.

2. The Assistant Commissioner of Police, Chikkadapally, Hyderabad.

3. The Station House Officer, Narayanaguda Police Station, Hyderabad.

4. 2CCs to the Government Pleader for Home, High Court Buildings, Hyderabad (OUT).

5. 2CD copies.